IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.586 OF 2006

Shantaram Bhaguji Nehere & anr. Petitioners

versus

District Election Officer & ors. Respondents

Dr.V.K.Choudhary for petitioners.

Ms.Vaidehi Mhaispurkar for respondents 2 and 4.

Mr.Kishor Patil for respondent no.3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15th February 2006

PC :

1. Heard Dr.Chaudhary for petitioners, Ms.Mhaispurkar for respondents 2 and 4 and Shri Patil for respondent no.3.

2. The grievance of the petitioners who are members of respondent no.3 society, is that although the term of the Managing Committee of this notified co-operative society has expired and elections are due, the same have been

postponed by the Government by resorting to powers conferred under sections 73-1(B) of Maharashtra Co-operative Societies Act, 1960 ("MCS Act") by three months by order dated 18th January 2006.

3. The reasons assigned in this order are that the society in question is celebrating 50 years, and therefore, there is a function which is organised and it is conveyed that for three months it will not be possible for the society to make arrangements to do so.

4. With the assistance of learned counsel appearing for the parties I have perused the order under challenge and also Section 73-1(B) of MCS Act.

5. It is not disputed before me that the reasons assigned for postponing the elections, cannot be justified on the touchstone of the provisions referred to above. They being exceptional, it is only when there is a natural calamity or Assembly Elections, that there is a power conferred, which is in the nature of exception, to postpone the elections. That power could not have been exercised in the facts and circumstances of this

case.

6. That apart, Ms.Mhaispurkar upon taking instructions from the Returning Officer (respondent no.4) makes a statement that the programme of the elections of respondent no.3 society would be notified within a period of eight weeks from today and the elections would be held as per the programme which would be notified within a period of eight weeks.

7. In the light of this statement and undertaking of respondent no.4 to this Court, the petition is not pressed further. It is accordingly disposed of.

(S.C.DHARMADHIKARI, J.)